



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/045,311

10/24/2001

Greg Donnelly

PW 053403 272572

1320

7590

11/17/2005

Pillsbury Winthrop LLP
Intellectual Property Group
50 Fremont Street
San Francisco, CA 94105

EXAMINER

TANG, KAREN C

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/045,311	DONNELLY ET AL.	
	Examiner	Art Unit	
	Karen C. Tang	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election without traverse of Claims 1-9 in the reply filed on 9/6/05 is acknowledged.

Claims 10-39 are not elected.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by
Aravamudan et al hereinafter Aravamudan (US 6,301,609).

1. Referring to Claim 1, Aravamudan discloses said method comprising:
maintaining contact data records related to a plurality of network contacts (refer to Col 7, Lines 5-50)
generating presence information related to the availability of one or more of said plurality of network contacts (refer to Col 10, Lines 50-67);

Art Unit: 2151

delivering said presence information to one or more network subscribers (refer to Col 10, Lines 50-67);

and initiating data communication between at least one of said network subscribers and one or more of said plurality of network contacts in accordance with said presence information (refer to Col 10, Lines 50-67).

2. Referring to Claim 2, Aravamudan discloses said maintaining includes maintaining a database comprising network address information related to each of said plurality of network contacts (refer to Col 6, Lines 40-67 and Col 7).

3. Referring to Claim 3, Aravamudan discloses said maintaining includes creating a community of interest comprising members representing selected contact data records (refer to Col 9, Lines 45-67).

4. Referring to Claim 4, Aravamudan discloses wherein said generating includes monitoring network activity of said one or more of said plurality of network contacts (refer to Col 9, Lines 10-45 and 50-67).

5. Referring to Claim 5, Aravamudan discloses wherein said delivering is responsive to request from said one or more network subscribers (refer to Col 7, Lines 20-50).

Art Unit: 2151

6. Referring to Claim 6, Aravamudan discloses wherein said delivering includes apprising said one or more network subscribers of the network status of said one or more of said plurality of network contacts (refer to Col 7, Lines 20-50 and Col 8, Lines 1-31).

7. Referring to Claim 7, Aravamudan discloses wherein said initiating includes identifying one of said plurality of network contacts as available targets (Col 7, Lines 1-20).

8. Referring to Claim 8, Aravamudan discloses wherein said initiating includes establishing data communication with one or more of said available targets (refer to Col 7, Lines 1-20).

9. Referring to Claim 9, Aravamudan discloses wherein said initiating includes establishing data communication with each of said members in said community of interest (refer to Col 7, Lines 1-20).

Conclusion

A shortened statutory period for reply to this Office action is set to expire **THREE MONTH** from the mailing date of this action.

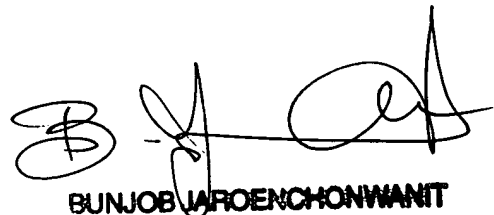
Art Unit: 2151

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT



BUNJOB JAOENCHONWANIT
PRIMARY EXAMINER